

# SENATE BILL REPORT

## SB 5118

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As Reported by Senate Committee On:  
Human Services & Corrections, February 11, 2013

**Title:** An act relating to access to original birth certificates after adoption finalization.

**Brief Description:** Addressing access to original birth certificates after adoption finalization.

**Sponsors:** Senators Carrell, Benton, Darneille, Bailey, Roach and Honeyford.

**Brief History:**

**Committee Activity:** Human Services & Corrections: 1/28/13, 2/11/13 [DPS-WM, DNP].

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### SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

**Majority Report:** That Substitute Senate Bill No. 5118 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Carrell, Chair; Pearson, Vice Chair; Baumgartner, Darneille, Ranking Member; Harper.

**Minority Report:** Do not pass.

Signed by Senators Hargrove and Padden.

**Staff:** Joan Miller (786-7784)

**Background:** Generally, adoption records are sealed and may not be released except upon a court order for good cause or by using a confidential intermediary.

An adopted person over the age of 21, an adopted person under 21 with the permission of the adoptive parent, or a member of the birth parent's family after the adoptee has reached 21 may petition the court to appoint a confidential intermediary. If appointed by the court, the intermediary will search for and discreetly contact the birth parent or adopted person. If the birth parent or adopted person are not alive or cannot be contacted within one year, the intermediary may attempt to locate family members of the birth parent or adopted person. If the person being sought is located, the intermediary must make a discreet and confidential inquiry as to whether the person will consent to having his or her identity disclosed to the petitioner. If the person being sought refuses disclosure, then the intermediary must report the refusal to the court and refrain from further inquiry without judicial approval.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

Upon written request from the adoptive parent, the adoptee, or the birth parent, nonidentifying information contained in adoption records held by the Department of Social and Health Services, an adoption agency, or maintained in court files, may be disclosed. Nonidentifying information includes, but is not limited to, the following information about the birth parents, adoptive parents, and the adoptee: age at the time of adoption; heritage; education; general physical appearance; religion; occupation; medical and genetic history; first names; and the name of the agency or individual who facilitated the adoption.

For adoptions finalized after October 1, 1993, the Department of Health (DOH) must make available a noncertified copy of the original birth certificate to the adoptee after the adoptee's 18th birthday, unless the birth parent has filed an affidavit of nondisclosure.

**Summary of Bill (Recommended Substitute):** Upon written request, DOH must provide a noncertified copy of the original birth certificate to an adopted person age 18 or older, regardless of when the adoption was finalized. A birth parent may at any time complete a contact preference form stating that the birth parent would like to be contacted, would like to be contacted through a confidential intermediary, or would not like to be contacted at all. If the birth parent selects the no-contact preference, then the birth parent must complete a medical history form. Both forms would be provided to the adopted person but are otherwise confidential. The forms must be placed in the adopted person's sealed file. DOH may charge a fee not to exceed \$20 for providing a copy of the noncertified original birth certificate to an adopted person.

**EFFECT OF CHANGES MADE BY HUMAN SERVICES & CORRECTIONS COMMITTEE (Recommended Substitute):** The procedures for providing adopted persons a copy of their original birth certificates were changed. Instead of providing an affidavit of nondisclosure, which would have barred an adopted person from receiving a copy of the original birth certificate altogether, birth parents may complete a Contact Preference Form indicating whether and how they would like to be contacted. DOH is also authorized to charge a fee not to exceed \$20 for providing a copy of the original birth certificate.

**Appropriation:** None.

**Fiscal Note:** Available.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony on Original Bill:** PRO: If this bill existed 30 years ago, adoptees would have some information about their medical history and hereditary conditions. Time and money can be saved by knowing medical information sooner rather than later. The issue goes beyond the privacy of a birth parent – a single individual. Passing this bill would affect a lot of adoptees for the better. We must balance the interests of birth parents and adoptees, and this bill is a good first step because it takes into account their potentially competing interests. The confidential intermediary process would remain in place, but every individual is different, and accessing an original birth certificate would be one more option for an adoptee to pursue. Since 1993, very few, if any, nondisclosure

affidavits have been filed. Public opinion regarding adoption has changed; we need to move forward.

**Persons Testifying:** PRO: Laurie Lippold, Partners for Our Children; Chris Moore, citizen.